

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No. 23-80033-CR-ROSENBERG

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JAMES CINE, et al.,

Defendants.

**GOVERNMENT'S MOTION FOR THE
COURT TO REDUCE DEFENDANT'S SENTENCE
PURSUANT TO FEDERAL RULE OF CRIMINAL PROCEDURE 35(b)**

COMES NOW the United States of America, by and through the undersigned Assistant United States Attorney, and hereby moves this Honorable Court, pursuant to Rule 35(b) of the Federal Rules of Criminal Procedure, to re-sentence the defendant, JAMES CINE, to a sentence below that previously imposed by the Court, to reflect his substantial assistance in the prosecution of other individuals who have committed offenses, and, as grounds therefore, states as follows:

1. On April 29, 2024, defendant JAMES CINE was sentenced to 120-months' (10 years') imprisonment by this Honorable Court following his guilty plea to: Count 1, Conspiracy to Possess with Intent to Distribute 40 Grams or More of a Mixture and Substance Containing Fentanyl, in violation of Title 21, United States Code, Sections 841(a)(1), 841(b)(1)(B)(iv), and 846; Count 6, with Distribution, and Possession with Intent to Distribute, Fentanyl, in violation of Title 21, United States Code, Sections

841(a)(1) and 841(b)(1)(C), and; in Count 7, with Possession of a Firearm in Furtherance of a Drug Trafficking Crime, in violation of Title 18, United States Code, Sections 924(c) and 2 (DE 80).

2. Prior to and after the defendant's change of plea and sentencing, defendant JAMES CINE agreed to assist federal authorities through the provision of truthful testimony and evidence. The defendant's decision ultimately yielded substantial assistance to the government through the testimony and information he furnished, which assisted in obtaining the conviction of multiple subjects in other significant matters.

3. The United States informs this Honorable Court that the information and efforts lent by this defendant in the prosecution of another constitutes "substantial assistance" as that term is contemplated in the Federal Sentencing Guidelines. Government counsel has been authorized to respectfully request and recommend to this Honorable Court that the defendant's sentence be reduced by twenty percent (20%), in consideration of the substantial assistance rendered the United States, specifics of which shall be related to the Court at the Rule 35 Hearing.

4. Local Rule 88.9 Compliance Statement: On October 2, 2024, the undersigned communicated via email with, Scott Skier, Esq., and advised him of the nature and basis of the government's proposed motion, and Mr. Skier advised the defense had no objection to the instant government motion, noting the defense reservation of the right to advocate for the Court's consideration of a sentence reduction exceeding that recommended by the government in this matter.

5. Defendant, through counsel, has expressly requested to be able to attend any Rule 35 hearing set before this Honorable Court in this matter. The defendant is currently being housed at FCI Pollock, Pollock, Louisiana. After consultation with the United States Marshals Service (USMS) in West Palm Beach, the undersigned is advised that they request a minimum of six (6) weeks to accomplish transport. Thus, the United States respectfully requests a minimum of six weeks between the issuance of any Order for hearing and such hearing, so as to permit the obtaining and issuance of a writ and to give the USMS sufficient time to prepare to transport the defendant to appear before this Honorable Court.

6. WHEREFORE, the United States respectfully moves this Honorable Court to set a hearing in the above-captioned matter.

Respectfully submitted,

MARKENZY LAPOINTE
UNITED STATES ATTORNEY

By: s/ John C. McMillan
JOHN C. McMILLAN
ASSISTANT UNITED STATES ATTORNEY
Admin. No. A5500228
500 Australian Ave., Suite 400
West Palm Beach, Florida 33401
Phone: (561) 820-8711
Fax: (561) 820-8777
john.mcmillan@usdoj.gov

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on October 30, 2024, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF. According to the Court's website, counsel for all parties are able to receive notice via the CM/ECF system.

By: s/ John C. McMillan
JOHN C. McMILLAN
ASSISTANT UNITED STATES ATTORNEY